

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM KAREEM MIKE

Petitioner,

v.

THE DISTRICT ATTORNEY
OF THE COUNTY OF BUCKS, et al.,

Respondents.

:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 07-3418

ORDER

AND NOW, this 3rd day of March, 2009, upon consideration of the Petition for the Writ of Habeas Corpus (the “Petition”) (Docket No. 3), Respondent’s Answer in Opposition thereto (Docket No. 9) and the Report and Recommendation filed by United States Magistrate Judge Linda K. Caracappa (Docket No. 8), and after an independent review of the pertinent record, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Caracappa is APPROVED and ADOPTED. The Court agrees with the Report and Recommendation that it is without jurisdiction to consider the merits of Petitioner’s claims 28 U.S.C. § 2244(b)(3)(A). Petitioner may not file a second or successive habeas petition without first petitioning to U.S. Court of Appeals for the Third Circuit requesting permission for this Court to consider his arguments. Petitioner has failed to file such a petition with the Third Circuit.

2. The Petition for the Writ of Habeas Corpus (Docket No. 3) is DENIED.
3. All outstanding motions are DENIED as moot.
4. A certificate of appealability shall not issue because, for the reasons set forth in

the Report and Recommendation, a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the habeas petition.

5. The Clerk's Office shall close this case.

BY THE COURT:

Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.